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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ATMEL CORPORATION, et al.,

No. C-06-02138 CW (EDL)

Plaintiffs,

**ORDER RE: DEFENDANT'S MOTION  
FOR SANCTIONS**

v.

AUTHENTEC INC,

Defendant.

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On April 22, 2008, the Court held a hearing on Defendant's Motion for Sanctions. At that hearing, the Court ordered Defendant to file its proposal for sanctions no later than April 25, 2008, and Plaintiff to file its response no later than May 6, 2008. Defendant timely filed its brief. On May 5, 2008, Judge Wilken denied Plaintiffs' Motion for Partial Summary Judgment, granted Defendant's Motion for Summary Judgment and denied Defendant's for an Exceptional Case Finding. In that Order, Judge Wilken stated that: "Once the motions pending before the Magistrate Judge have been resolved, the Clerk shall enter judgment for Defendant and close the file." May 5, 2008 Order at 13:23-14:1.

Judge Wilken's Order is clear that the substance of this matter has concluded. In light of that Order, evidentiary sanctions are moot. Therefore, in connection with Defendant's Motion for Sanctions, the Court will only award monetary sanctions for past discovery misconduct as discussed at the hearing: Plaintiffs' improper responses to the court-ordered requests for admission, Plaintiffs' failure to timely produce licensing agreements and Plaintiffs' failure to comply with the Court's January 31, 2008 Order requiring Plaintiffs to provide declarations from persons most knowledgeable about the searches done for licensing agreements. Accordingly, Defendant shall file its application for fees no later than May 13, 2008. No later than May 22, 2008, Plaintiffs shall file a

1 response to Defendant's application. No later than May 28, 2008, Defendant shall file a reply. A  
2 hearing is scheduled for June 10, 2008 at 9:30 a.m. The Court will notify the parties if the hearing is  
3 unnecessary.

4 **IT IS SO ORDERED.**

5 Dated: May 6, 2008

*Elizabeth D. Laporte*  
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ELIZABETH D. LAPORTE  
United States Magistrate Judge